

AO 120 (Rev. 3/04)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
---	---

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Delaware on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. 08-338 JJF	DATE FILED 6/10/2008	U.S. DISTRICT COURT DISTRICT OF DELAWARE
PLAINTIFF Lannett Company Inc.		DEFENDANT KV Pharmaceuticals, DrugTech Corporation, and Ther-RX Corporation
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 US 5,516,925	May 14, 1996	Albion International, Inc.
2 US 6,716,814 B2	April 6, 2004	Albion International, Inc.
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
2		
3		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT See Stipulation of Dismissal regarding Patent Nos. US 5,516,925 and US 6,716,814 B2
--

CLERK PETER T. DALLEO, CLERK OF COUR	(BY) DEPUTY CLERK <i>Nicola M. Selinger</i>	DATE 9/4/2008
---	--	------------------

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LANNETT COMPANY INC.,	:	
	:	
<i>Plaintiff,</i>	:	C. A. No. 08-338-JJF
v.	:	
KV PHARMACEUTICALS,	:	
DRUGTECH CORPORATION, and	:	
THER-RX CORPORATION,	:	
	:	
<i>Defendants.</i>	:	
	:	
	:	
KV PHARMACEUTICAL COMPANY,	:	
THER-RX CORP., and DRUGTECH CORP.,	:	
<i>Counterclaim-Plaintiffs,</i>	:	
v.	:	
LANNETT COMPANY, INC.,	:	
<i>Counterclaim-Defendant.</i>	:	

STIPULATION

Plaintiff/Counterclaim-Defendant, Lannett Company, Inc. ("Lannett"), and Defendants/Counterclaim-Plaintiffs, KV Pharmaceutical Company, Ther-Rx Corp. and Drugtech Corp., by and through their respective undersigned attorneys, hereby stipulate and agree that Lannett's claim for a declaratory judgment with respect to U.S. Patent 5,516,925 ("the '925 patent") and U.S. Patent 6,716,814 ("the '814 patent") shall be and hereby is dismissed without prejudice. Accordingly, the Amended Complaint is hereby amended, without prejudice, as follows: (1) Paragraphs 6, 23 and 24 of Lannett's Amended Complaint are deleted in their entirety; (2) Paragraphs 12, 13, 14, 15, 26, and 27 of Lannett's Amended Complaint, and Paragraph A of the Prayer for Relief therein, are amended only so far as to delete any reference to the '925 patent and the '814 patent.

WHEREFORE, in light of the above, the parties respectfully request that this Honorable Court approve the above Stipulation.

/s/ Sophia Siddiqui (#4914)
Sophia Siddiqui, Esquire (#4914)
ssiddiqui@foxrothschild.com
Fox Rothschild LLP
Citizens Bank Center
919 N. Market Street, Suite 1300
Wilmington, DE 19801
Attorneys for Lannett Company, Inc.

/s/ Chad M. Shandler (#3796)
Chad M. Shandler (#3796)
shandler@rlf.com
Richards, Layton & Finger, P.A.
One Rodney Square
920 North King Street, P.O. Box 551
Wilmington, DE 19801
*Attorneys for KV Pharmaceutical Co.,
Drugtech Corp. and Ther-Rx Corp.*

Dated: August 25, 2008

Dated: August 25, 2008

IT IS SO ORDERED this ____ day of August, 2008.

United States District Court Judge